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EXAMINER

NGUYEN, DUSTIN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/430,045	Applicant(s) CROMWELL ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 36-45 and 52-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 36-45 and 52-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

1. Claims 1 – 19, 36 – 45, 52 - 69 are presented for examination.

Allowable Subject Matter

2. The indicated allowability of claims 1 – 19, 36 – 45, 52 - 69 is withdrawn in view of the newly discovered reference(s) to Jennings [US Patent No 5,375,164] and Astegiano et al. [US Patent No 4,706,270]. Rejections based on the newly cited reference(s) follow.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 19, 36 – 45, 52 - 69 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 48-54, 56-58,

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60-66 and 68-72 of copending Application No. 09/431566 [hereinafter '566 application].

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Taking claim 1 as an exemplary claim, the '566 application contains the subject matter claimed in the instant application. As per claims 1 and 48, both applications are claiming common subject matter, as follows:

Instant Application	'566 Application
A method for providing access to a sequence of audio segments ...:	A system for use in a telecommunication network for providing audio segments ...:
receiving a request for playing the sequence of audio segments ...;	access the centralized database; a centralized database containing a plurality of audio segments ...;
wherein the sequence of audio segments comprises at least portions of network-related announcements to be play to a recipient ...;	said audio segments comprising announcement to be played to the end user ...;
Locating, in an audio server database, ...;	the audio segment is located by using said index file ...;
Playing the sequence	

The claim of '566 application do not specifically state playing the sequence of audio segments as described in the claim 1 of the instant application, however, Astegiano et al. [US

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Patent No 4,706,270] discloses equipment in telephone network for sending to the subscribers digitally pre-stored voice announcements [Abstract; col 1, lines 8-12; and col 2, lines 63-67]. It would have been obvious to a person skill in the art at the time the invention was made to incorporate the function of sending to the subscribers digitally pre-stored voice announcement for all the reasons disclosed by Astegiano such as a system for “supply a very high number of announcements, related to very different services, without problems as to the introduction of new services and/or new announcements” [col 2, lines 46-62].

As per independent claims 7, 12, 36, 40, 43, 52, 55, 59 60, 63, 67, they are also directed to the same subject matter recited in claim 1 above. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

As per dependent claims 2-6, 8-11, 13-19, 37-39, 41, 42, 44, 45, 53, 54, 56-58, 61, 62, 64-66, 68 and 69 of the instant application, they depend on the rejected claims. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-9, 12-19, 36, 39-45, 52, 55, 57-69, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al. [US Patent No 5,375,164], in view of Astegiano et al. [US Patent No 4,706,270].

7. As per claim 1, Jennings discloses the invention as claimed including a method for providing access to a sequence of audio segments accessible by an audio server comprising:

receiving a request for playing the sequence of audio segments [i.e. sequence of voice fragments] [col 3, lines 15-18; and col 5, lines 64-col 6, lines 3], the sequence being identified by an audio identifier [i.e. announcement identifier] [Figure 3; Abstract; col 4, lines 10-16; and col 8, lines 55-59];

locating, in an audio server database, the sequence of audio segments based on the audio identifier [i.e. retrieves from the language data base all of the voice fragments] [Figures 4 and 10; col 5, lines 39-col 6, lines 15].

Jennings does not specifically disclose
the sequence of audio segments comprising at least portions of network-related announcements to be played to a recipient; and

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playing the sequence of audio segments to the recipient so that the recipient is apprised of at least one network-related announcement.

Astegiano discloses

the sequence of audio segments comprising at least portions of network-related announcements to be played to a recipient [.e. information announcements related to the different voice services] [col 1, lines 15-18; col 2, lines 51-55; and col 7, lines 2-8]; and

playing the sequence of audio segments to the recipient so that the recipient is apprised of at least one network-related announcement [i.e. sending of announcements to subscriber] [Abstract; col 1, lines 9-12; and col 7, lines 34-42].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Jennings and Astegiano because the teaching of network-related announcement of Astegiano would provide supplementary services offered to telephone network subscribers and to equipment for sending to these subscribers digitally pre-stored voice announcements [Astegiano, col 1, lines 8-12].

8. As per claim 5, Jennings discloses receiving a request for playing the sequence of audio segments wherein at least one of the audio segments is a variable [Figure 3; and col 3, lines 64-col 4, lines 23].

9. As per claim 6, Jennings discloses resolving the variable into an audio data segment [i.e. evaluate the variable to determine voice fragment] [325, Figure 4; and col 5, lines 19-38].

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10. As per claim 7, it is rejected for similar reasons as stated above in claim 1. Furthermore, Jennings discloses a selector for specifying a member of the set corresponding to the audio segment [i.e. set of language specific voice fragment] [col 3, lines 59-64] and selecting the audio segment to be played based on the audio identifier and the selector [col 5, lines 53-col 6, lines 15].

11. As per claim 8, Jennings do not specifically disclose the set contains a plurality of levels of audio data qualifiers and the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played. Astegiano discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played [i.e. the announcements related to a given service are gathered in groups so as to form a hierarchical and tree structure] [col 7, lines 9-33; and col 16, lines 1-28]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Jennings and Astegiano because Asteginao's teaching of hierarchical and tree structure of the announcements would allow to supply a very high number of announcements, related to very different services, without problems as to the introduction of new services and/or new announcements [Astegiano, col 2, lines 46-62].

12. As per claim 9, Astegiano discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a partial path through the levels and selecting the audio data segment to be played includes traversing the levels in the order specified by the selector and

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supplying default paths through levels not specified by the selector [i.e. branch levels] [col 7, lines 19-42; and col 16, lines 46-55].

13. As per claim 12, it is rejected for similar reasons as stated above in claims 1, 5 and 6. Furthermore, Jennings discloses determining whether the variable is an embedded variable and playing the sequence including the variable [i.e. semantic expression] [Figure 2; Abstract; and col 3, lines 41-64].

14. As per claim 13, Jennings discloses in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable [Figure 3; and col 3, lines 64-col 4, lines 6].

15. As per claim 14, Jennings discloses the variable is Multilanguage variable and wherein resolving the variable includes selecting audio data segments to be played based on a language specified by the variable [i.e. language specific] [Figure 2; Abstract; col 3, lines 30-34; and col 5, lines 39-52].

16. As per claim 15, it is rejected for similar reasons as stated above in claim 14.

17. As per claims 16-19, they are rejected for similar reasons as stated above in claims 5-7.

18. As per claim 36, it is rejected for similar reasons as stated above in claim 1.

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19. As per claim 39, it is rejected for similar reasons as stated above in claims 5 and 6.
20. As per claim 40, it is rejected for similar reasons as stated above in claim 7.
21. As per claims 41 and 42, they are rejected for similar reasons as stated above in claims 8 and 9.
22. As per claim 43, it is rejected for similar reasons as stated above in claims 1, 5, 6 and 14.
23. As per claim 44, Jennings discloses means for selecting audio segments having inflections in accordance with the language specified in the request [col 3, lines 24-40].
24. As per claim 45, it is rejected for similar reasons as stated above in claim 7.
25. As per claim 52, it is a method claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.
26. As per claim 55, it is method claimed of claim 7, it is rejected for similar reasons as stated above in claim 7.

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27. As per claims 57 and 58, they are rejected for similar reasons as stated above in claims 8 and 9.

28. As per claim 59, it is rejected for similar reasons as stated above in claim 12.

29. As per claim 60, it is rejected for similar reasons as stated above in claim 1. Furthermore, Jennings discloses an interface card, an audio server database embodied in a memory device, and a processor [Figure 1; and col 3, lines 4-40].

30. As per claim 61, Jennings does not specifically disclose at least one digital signal processing (DSP) card for converting the sequences of audio data segments extracted from the audio server database into a format for playing to the recipient. Astegiano discloses at least one digital signal processing (DSP) card for converting the sequences of audio data segments extracted from the audio server database into a format for playing to the recipient [i.e. digital-to-analog converter] [col 5, lines 46-54; and col 9, lines 49052]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Jennings and Astegiano because the teaching of Astegiano would provide supplementary services offered to telephone network subscribers and to equipment for sending to these subscribers digitally pre-stored voice announcements [Astegiano, col 1, lines 8-12].

31. As per claim 62, it is rejected for similar reasons as stated above in claim 7.

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32. As per claim 63, it is rejected for similar reasons as stated above in claims 1, 5 and 6.
33. As per claim 64, it is rejected for similar reasons as stated above in claim 1.
34. As per claim 65, it is rejected for similar reasons as stated above in claim 7.
35. As per claim 66, it is rejected for similar reasons as stated above in claims 5 and 6.
36. As per claims 67-69, they are rejected for similar reasons as stated above in claims 1, 5-7.
37. Claims 2-4, 10, 11, 37, 38, 53, 54 and 56, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al. [US Patent No 5,375,164], in view of Astegiano et al. [US Patent No 4,706,270], and further in view of Applicant's Admitted Prior Art [APA].
38. As per claim 2, Jennings and Astegiano do not specifically disclose receiving a request from a media gateway control protocol (MGCP) call agent. Applicants' APA discloses receiving a request from a media gateway control protocol (MGCP) call agent [Applicant's specification, page 2, lines 6-page 4, lines 4]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Jennings, Astegiano and Applicants' APA because the teaching of Applicants' APA would allow the functionality for providing audio

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data and other conventionally centralized features to end users to be distributed across network elements [Applicants' APA, page 2, lines 6-9].

39. As per claim 3, Applicant's APA discloses receiving an MGCP Notify Request command from the call agent [Applicant's specification, page 3, lines 13-page 4, lines 3].

40. As per claim 4, Applicant's APA discloses transmitting audio data packets to a gateway over a packet-based network, and wherein the gateway plays the sequence [Applicant's specification, page 2, lines 6-25].

41. As per claims 10 and 11, they are rejected for similar reasons as stated above in claims 2 and 3.

42. As per claims 37 and 38, they are rejected for similar reasons as stated above in claims 2 and 3.

43. As per claims 53 and 54, they are rejected for similar reasons as stated above in claims 2 and 4.

44. As per claim 56, it is rejected for similar reasons as stated above in claim 2.

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45. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154

